

Tribunals Reforms Act, 2021

The Tribunals Reforms Act, 2021 was passed by the Parliament in August 2021. The Act replaced the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021. In this article, you can learn all about the Tribunals Reforms Act and the surrounding controversies. This is an important topic for the [UPSC exam](#) polity and governance segments.

What is the Tribunal Reforms Act, 2021?

The Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance, 2021 was promulgated in April 2021. The Tribunals Reforms Act, 2021 essentially replaces the ordinance.

- The Act absolves certain appellate tribunals/boards and shifts their functions to other existing judicial bodies such as [high courts](#).
- It seeks to abolish certain appellate tribunals (for example, the Film Certification Appellate Tribunal, Airports Appellate Tribunal, etc.) and also bring in changes in the terms of service of the tribunal officials.
- The Supreme Court questioned the government over the hasty passage of the bill and also asked the government to give reasons for the bill's introduction.

Read more about [tribunals in India](#) in the linked article.

Tribunal Reforms Act, 2021 Salient Features

The Act, as mentioned before, seeks to dissolve some of the existing tribunals and move their functions to judicial bodies like the high courts.

- **Search-cum-Selection Committee**
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 - Search-cum-Selection Committees will be constituted and on the basis of the recommendations of these committees, the Central Government would appoint chairpersons and members of tribunals.
 - The government should act upon the recommendations preferably within three months.
 - The composition of the committees are as follows:
 - Chief Justice of India (CJI) OR a Supreme Court judge nominated by the CJI, as the Chairperson (with casting vote)
 - Two central government-nominated secretaries
 - Sitting or outgoing Chairperson, or a retired Supreme Court judge, or a retired Chief Justice of a High Court
 - Sitting chairperson – in case of appointment of a member of a tribunal (the sitting chairperson of that tribunal)

- Outgoing chairperson – in case of appointment of a chairperson of a tribunal (the outgoing chairperson of that tribunal)
 - Retired SC judge/retired HC Chief Justice – in case of a tribunal's Chairperson seeking reappointment.
 - Secretary of the Union Ministry under which the tribunal is to be constituted (with no voting rights)
- There shall be separate Search-cum-Selection Committees for State administrative tribunals. Their membership is as follows:
 - Chief Justice of that state's High Court as the Chairperson (with casting vote)
 - Chief Secretary of the State Government concerned
 - Chairman of the State Public Service Commission
 - One member, who:
 - Outgoing Chairperson of the Tribunal whose Chairperson is to be appointed
 - Sitting Chairperson of the Tribunal whose Member is to be appointed
 - Retired Judge of a High Court nominated by the Chief Justice of the High Court of the State concerned in case of the Chairman of the Tribunal seeking re-appointment
- **Tenure**
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 - The Act provides for a four-year tenure.
 - The Chairperson shall be of a minimum of fifty years of age.
 - The tenure is either four years or 67 years whichever is earlier, in case of a member.
 - For chairpersons, it is either four years or 70 years, whichever is earlier.
- **Finance Act, 2017**
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 - The Finance Act of 2017 had merged tribunals based on domains. It also gave powers to the central government to notify rules on the composition of search-cum-selection committees, tribunal members' qualifications, terms and conditions of service like salary, removal, etc.
 - The new tribunal reforms act removes these provisions from the finance act.
- **Consumer Protection Act, 2019**
 - - The new act also makes amendments to the [Consumer Protection Act, 2019](#).

Act	Appellate Body	Proposed Entity
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The Cinematograph Act, 1952	Appellate Tribunal	High Court
The Trade Marks Act, 1999	Appellate Board	High Court
The Copyright Act, 1957	Appellate Board	Commercial Court or the Commercial Division of a High Court
The Customs Act, 1962	Authority for Advance Rulings	High Court
The Patents Act, 1970	Appellate Board	High Court
The Airports Authority of India Act, 1994	Airport Appellate Tribunal	<ul style="list-style-type: none"> • Central Government – For disputes arising from the disposal of properties left on airport premises by unauthorised occupants • High Court – For appeals against orders of an eviction officer
The Control of National Highways (Land and Traffic) Act, 2002	Airport Appellate Tribunal	Civil Court
The Geographical Indications of Goods (Registration and Protection) Act, 1999	Appellate Board	High Court

Tribunal Reforms Act Issues

Some of the issues and concerns talked about in relation to the tribunal reforms act are discussed below.

- The SC has pointed out the hasty passing of the bill in the parliament without adequate discussion. The government has also re-enacted provisions previously struck down by the SC in the Madras Bar Association case (2021).
- The provisions relating to the tenure and conditions of service of the tribunal members and chairperson in the ordinance were struck down previously by the judiciary.
- The chairperson of a tribunal should be above fifty years of age as per the new act. This undermines the security of tenure. It is to be noted that the SC had struck down this provision, as also the four-year tenure provision in the ordinance. But both these have been included in the Act.

- The act also violates the principle of separation of powers and judicial independence because it allows the central government to make decisions on the search-cum-selection committee's recommendations.
- Shifting of cases to the high courts from bodies that were domain-specific implies that the expertise that was needed to hear cases relating to a particular field such as cinema, arts, etc. would no longer be available.
- Also, the Indian judicial system is already overburdened with a long pendency of cases. As of June 2021, there are more than 91000 pending cases in front of the various high courts. This move will add to the burden. Also, the SC, in many previous judgements had emphasised the usefulness and need for separate tribunals as alternatives of the high courts as a means to reduce the burden.

